

## **AMENDMENTS TO THE CLAIMS**

Please amend Claims 3, 17, 22 and 37 as follows.

### **LISTING OF CLAIMS**

1.-2. (cancelled)

3. (currently amended) A mobile phone powered by a battery having a ~~communication~~ telephone function and a function for producing music sounds, the mobile phone comprising:

means for determining whether a level of a battery capacity is lower than a threshold level for permitting operation of the music sounds producing function; and

means for maintaining the telephone function by terminating operation of the music sounds producing function while it is in actual operation and for informing a user of that effect through an earphone when the battery capacity becomes lower than the threshold level during a period in which the music sounds generating function is being operated.

4.-16. (cancelled)

17. (currently amended) A mobile phone powered by a battery having a ~~communication~~ telephone function and an additional function, the mobile phone comprising:

first determining means for determining whether a battery capacity is lower than a first level;

first restricting means for maintaining the telephone function by terminating operation of the additional function when the battery capacity is lower than the first level and the additional function is being operated;

second determining means for determining whether a battery capacity is lower than a second level which is lower than the first level; and

second restricting means for restricting the ~~communication~~ telephone function when the battery capacity is lower than the second level.

18. (previously presented) The mobile phone as in claim 17, further including informing means and means for controlling the informing means, wherein:

the controlling means controls the informing means so that the informing means informs a user of the termination of the additional function.

19. (previously presented) The mobile phone as in claim 18, wherein:

the additional function is a function for producing music sounds; and

the termination of producing music sounds is informed to the user by a warning sound.

20. (previously presented) The mobile phone as in claim 19, wherein:

the music sounds are outputted from the informing means; and

the control means controls the informing means so that the warning sound is superimposed on the music sounds.

21. (previously presented) The mobile phone as in claim 19, wherein:  
the informing means includes an earphone for outputting the music sounds, and the warning sound is outputted from the earphone.

22. (currently amended) The mobile phone as in claim 17, wherein:  
the second restricting means turns off power supply from the battery to the mobile phone for restricting the ~~communication~~ telephone function.

23. (previously presented) The mobile phone as in claim 3, wherein:  
the mobile phone further includes an outer terminal for connecting the earphone; and the fact that the music sounds producing function is terminated is informed to the user through the earphone connected to the outer terminal.

24. (previously presented) The mobile phone as in claim 23, wherein:  
the music sounds are outputted from the outer terminal.

25. (previously presented) The mobile phone as in claim 24, wherein:  
the mobile phone further includes a receiver, separate from the outer terminal, for outputting voices received by the mobile phone; and the music sounds are able to be outputted from the receiver.

26. (previously presented) The mobile phone as in claim 3, wherein:  
the music sounds are outputted from an outer terminal.

27. (previously presented) The mobile phone as in claim 25, wherein:

voices received by the mobile phone are also outputted from the outer terminal when the music sounds are not outputted.

28. (previously presented) The mobile phone as in claim 26, wherein:

the mobile phone further includes a receiver, separate from the outer terminal, for outputting voices received by the mobile phone; and the music sounds are able to be outputted from the receiver.

29. (previously presented) The mobile phone as in claim 28, wherein:

the fact that the music sounds producing function is terminated is informed to the user through either the earphone connected to the outer terminal or the receiver.

30. (previously presented) The mobile phone as in claim 3, wherein:

the mobile phone further includes an outer terminal for connecting the earphone and for outputting the music sounds; and a warning sound is outputted from the outer terminal.

31. (previously presented) The mobile phone as in claim 30, wherein:

the outer terminal also outputs voices received by the mobile phone when the music sounds are not outputted.

32. (previously presented) The mobile phone as in claim 30, wherein:

the mobile phone further includes a receiver, separate from the outer terminal, for outputting voices received by the mobile phone; and the music sounds are able to be outputted from the receiver.

33. (previously presented) The mobile phone as in claim 32, wherein:

the fact that the music sounds producing function is terminated is informed to the user through either the earphone connected to the outer terminal or the receiver.

34. (previously presented) The mobile phone as in claim 3 further comprising means for setting the threshold level to an actual threshold level of the battery.

35. (previously presented) The mobile phone as in claim 3, wherein the means for terminating operation of the music sounds producing function comprises means for automatically terminating operation of the music sounds producing function.

36. (previously presented) The mobile phone as in claim 17, wherein the first restricting means for terminating operation of the additional function comprises restricting means for automatically terminating operation of the additional function when the battery capacity is lower than the actual first threshold level.

37. (currently amended) A mobile phone powered by a battery having a ~~communication~~ telephone function and an additional function, the mobile phone comprising:

first determining means for determining whether a battery capacity is lower than a first level;

first restricting means for maintaining the telephone operation by terminating operation of the additional function while it is in actual operation when the battery capacity is lower than the first level;

second determining means for determining whether a battery capacity is lower than a second level which is lower than the first level; and

second restricting means for restricting the ~~communication~~ telephone function when the battery capacity is lower than the second level.